

¹ The case was referred to the assigned U.S. Magistrate Judge on March 27, 2013, for case management and handling of all pretrial matters by determination or by report and recommendation, as appropriate. (D.E. 5.)

(“ADA”), 42 U.S.C. §§ 12111 *et seq.*, Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e *et seq.* Plaintiff also asserts a cause of action under 42 U.S.C. § 1983 and claims of intentional and negligent infliction of emotional distress under Tennessee law.

Magistrate Judge Claxton ordered that process be issued for the City of Memphis on Plaintiff’s ADA claim. (D.E. 7 at 4-6.) However, the Magistrate Judge also recommended that all of the remaining claims be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted. Having reviewed the complaint and the law, the Court agrees with the Magistrate Judge’s recommendation. The issuance of a more detailed written opinion is unnecessary. Therefore, the Court ADOPTS the recommendation of the Magistrate Judge. For the reasons set forth in the R&R the claims against the MPD,² Mayor Wharton, and Officer Walton are hereby DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Because this order of partial dismissal is a non-final order that is not immediately appealable, the Court also CERTIFIES, pursuant to Fed. R. App. P. 24(a), that any interlocutory appeal in this matter by Plaintiff would not be taken in good faith.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

² As Magistrate Judge Claxton noted in the R&R, Plaintiff’s claims against the MPD are properly construed as claims against the City of Memphis because the MPD is not a separate, suable entity. (D.E. 7 at 5.)